

TENANT'S RIGHTS: WHAT TENANTS NEED TO KNOW IF UNABLE TO PAY RENT

WHAT SHOULD I DO IF I CANNOT PAY MY RENT DURING THE STATE OF EMERGENCY?

Some landlords may be willing to work with tenants prior to filing for eviction during this public health emergency. Before you get a notice from the landlord, when you know you will have trouble paying the rent, it is always a good idea to talk to the landlord and see if they are willing to work something out. This avoids the trouble of both of you having to go to court.

Look for rental assistance help as soon as possible:

You can see where to get rental assistance at:

<http://www.cabq.gov/family/services/homeless-services/eviction-prevention>

Contact your landlord and ask to pay what you owe in rent over time by proposing a payment plan. Get any agreement in writing.

Is there a moratorium on evictions in New Mexico? Yes, for tenants who are unable to pay their rent. **But, if the landlord files to evict you, the tenant must appear at a court hearing to get those protections.**

WHAT DOES THE MORATORIUM ON EVICTIONS MEAN?

The New Mexico Supreme Court entered an Order suspending evictions only for non-payment of rent during the pandemic.

The Center for Disease Control and Prevention (CDC) also entered a federal Order suspending evictions for nonpayment of rent through December 31, 2020.

Which one applies?

Until the NM Court rules otherwise, the protections of the NM Moratorium or the CDC Moratorium may apply to you, depending on your particular circumstances. Both apply to all residential housing and mobile home parks where the tenant is renting a space. **In order to take necessary steps to protect yourself, under either order:**

- Follow the procedures of the CDC Order and give your landlord the Declaration Signed Under Penalty of Perjury IF YOU MEET ALL OF ITS REQUIREMENTS.
- To get the CDC form and more legal information from New Mexico Legal Aid, GO TO: <https://www.newmexicolegalaid.org/node/249/evictions-halted-order-centers-disease-control>

- **READ THE CDC FORM CAREFULLY.** You must satisfy all conditions under penalty of perjury and each adult on the lease must submit a separate form and provide it to the landlord. Keep a copy for your records.

If your landlord files to evict you and you have a court hearing scheduled, **GO TO THE HEARING** (telephonically) and tell the Judge you gave the CDC Declaration to the Landlord and also explain that you cannot currently pay rent. Send a copy of the CDC form to the Judge before the hearing.

- The tenant **MUST** appear at the hearing to ask the court to not evict them because they are unable to pay the rent. The tenant must provide testimony about their inability to pay the rent.
- Metropolitan Court in Albuquerque is asking people to **appear by phone**—you must call in before the start of the hearing so you do not miss it.

DO I STILL OWE THE RENT, LATE FEES AND COSTS? YES.

- The Tenant still owes the rent, late fees and costs now and when the moratorium ends. Landlords will evict tenants unless the tenant and landlord have come to an agreement to allow more time to pay back-rent and fees.
- If you work out an agreement with the landlord, make sure it is in writing to protect yourself.
- Make sure you get a receipt for any rent paid.

WHAT STEPS SHOULD A TENANT TAKE TO PROTECT THEMSELVES FROM EVICTION?

- Tenants must act—doing nothing could mean you will be evicted and lose your home.
- Apply for rental assistance as soon as possible.
- You don't have to immediately move out; you can go to court to contest the eviction if your landlord goes to court.
- Complete the CDC Declaration, if it applies, and give it to the landlord.
- Seek legal help when you know you may face eviction.

KNOW YOUR RIGHTS:

- Your landlord cannot evict you without a court order.
- It is illegal for a landlord to evict a tenant without a court order by doing any of the following:
 - Changing locks
 - Disconnecting electricity, water or gas
 - Using force
 - Threatening to do these things